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## FACSIMILE TRANSMISSION

Total # of Pages 16 (including this page)

TO: Examiner Dr. Gerald G. Leffers Jr.	PHONE #:	FAX #:
USPTO (Group Art Unit 1636)	571-272-0772	(703) 872-9306

From : Sean A. Passino

Date : October 28, 2004

Client/Matter No : 065691-0219

User ID No : Pending

## MESSAGE:

Application No. 09/843,150

Subject: Response to action dated 06-28-2004

## CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R § 1.8

I hereby certify that the attached paper, "Amendment and Reply under 37 CFR § 1.116" (13 pages), "Transmittal Form" (1 page), and "Fee Transmittal" (1 page) are being transmitted by facsimile to the U.S. Patent and Trademark Office on the above-identified date.

Sean A. Passino (45,943)

SEAP/ko

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PTO/SB/21 (09-04)


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<b>TRANSMITTAL FORM</b>	Application Number	09/843,150	
	Filing Date	April 27, 2001	
	First Named Inventor	Pierre Chambon	
	Art Unit	1636	
	Examiner Name	Gerald Letters, Jr.	
(to be used for all correspondence after initial filing)		Attorney Docket Number	065691/0219
Total Number of Pages in This Submission		16	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Foley & Lardner LLP		
Signature			
Printed name	Sean A. Passino		
Date	10-28-2004	Reg. No.	45,943

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Signature			
Typed or printed name	Sean A. Passino (45,943)	Date	10-28-2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL**  
**for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)

0

**Complete if Known**

Application Number	09/843,150
Filing Date	04-27-2001
First Named Inventor	PIERRE CHAMBOU
Examiner Name	DR. GERALD LEEFFERS, JR.
Art Unit	1636
Attorney Docket No.	065691/0219

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
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☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 58	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 58	2204 44	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65			Surcharge - late filing fee or oath	
1052 50	2052 25			Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130			Non-English specification	
1812 2,520	2812 2,520			For filing a request for ex parte reexamination	
1804 920*	2804 920*			Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*			Requesting publication of SIR after Examiner action	
1251 110	2251 55			Extension for reply within first month	
1252 430	2252 215			Extension for reply within second month	
1253 880	2253 490			Extension for reply within third month	
1254 1,330	2254 765			Extension for reply within fourth month	
1255 2,080	2255 1,040			Extension for reply within fifth month	
1401 340	2401 170			Notice of Appeal	
1402 340	2402 170			Filing a brief in support of an appeal	
1403 300	2403 150			Request for oral hearing	
1451 1,510	2451 1,510			Petition to institute a public use proceeding	
1452 110	2452 55			Petition to revive - unavoidable	
1453 1,370	2453 685			Petition to revive - unintentional	
1501 1,370	2501 685			Utility issue fee (or reissue)	
1502 490	2502 245			Design issue fee	
1503 660	2503 330			Plant issue fee	
1460 130	2460 130			Petitions to the Commissioner	
1807 50	2807 50			Processing fee under 37 CFR 1.17(q)	
1808 180	2808 180			Submission of Information Disclosure Stmt	
8021 40	2821 40			Recording each patent assignment per property (times number of properties)	
1809 790	2809 395			Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395			For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395			Request for Continued Examination (RCE)	
1802 900	2802 900			Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**SUBMITTED BY**

Name (Print/Type)

SEAN A. PASSIUD

Registration No. (Attorney/Agent)

45,943

(Complete if applicable)

Telephone

202-295-4166

Signature

[Signature]

Date

10-28-2004

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OCT 28 2004

Patent  
Atty. Dkt. No. 065691/0219

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Pierre Chambon et al.  
**Title:** Method for the Stable Inversion of DNA Sequence by Site-Specific Recombination and DNA Vectors and Transgenic Cells Thereof  
**Appl. No.:** 09/843,150  
**Filing Date:** April 27, 2001  
**Examiner:** Gerald Leffers, Jr.  
**Art Unit:** 1636

**AMENDMENT AND REPLY UNDER 37 C.F.R. § 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper responds to the Final Office Action mailed July 28, 2004. This paper is timely, as it is filed within the shortened statutory period set to expire on October 28, 2004.

Amendments to the Claims begin on page 3.

Remarks begin on page 6.

Please amend the application as follows:

**Amendments to the Claims:**

Claims 1 and 54 are currently amended.

Claims 2-4 are canceled, without prejudice or disclaimer.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented. The text of all claims presently

Patent  
Application No. 09/843,150  
Atty. Dkt. No. 065691/0219

under examination is presented below in the listing of claims, and all claims are presented with an appropriate defined status identifier.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the pending claims in condition for allowance. Applicants submit that the proposed amendments of claims 1 and 54 neither raise new issues nor necessitate any additional search by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments applying the Wild reference against the present invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that entering the amendment would place the claims in better form for appeal, should the Examiner dispute the patentability of the pending claims.